



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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J. TYLER McCAULEY
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WENDY L. WATANABE
CHIEF DEPUTY

August 10, 2007

TO: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich
Wendy L. Watanabe
FROM: J. Tyler McCauley *for*
Auditor-Controller

**SUBJECT: SHERIFF'S DEPARTMENT SPECIAL ENFORCEMENT BUREAU
FACILITY REPLACEMENT PROJECT REVIEW**

At the February 27, 2007 Board meeting, the Chief Executive Office (CEO) and Sheriff's Department (Sheriff or Department) recommended that your Board approve \$1.9 million in retroactive contract payments for the Sheriff's Special Enforcement Bureau (SEB) Facility Replacement project, and a corrective action plan addressing the Sheriff's management of future capital projects. Your Board approved the retroactive payments and instructed the Auditor-Controller, in consultation with the Department of Public Works (DPW), to conduct a full analysis of the delays and other SEB project issues. The Board also directed us to analyze the County's overall project management and the role of each environmental consultant.

Our review included interviews with Sheriff, DPW, and other County and contractor management/staff. We also reviewed SEB project documents and related County policies and procedures.

Summary of Findings

Our review indicates that, in addition to the retroactive payments approved by your Board, the Sheriff authorized approximately \$1 million in payments for work that was done before the Sheriff obtained the required Internal Services Department and/or Board approval. We also noted that some of the delays and increased costs for the

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SEB project might have been avoided if the Sheriff had used better project management procedures. Finally, while the CEO and Sheriff met to discuss the progress of the SEB project, the CEO could have improved its project oversight by ensuring they obtained detailed status reports from the Sheriff and provided the Board with the required quarterly progress reports.

We did note that some of the project delays and increased costs were due to budgetary constraints and unforeseeable conditions. Details of our review are discussed in Attachment 1. Attachment 2 is a list of the construction/consulting contracts for the project.

In May 2007, the Sheriff completed their own internal investigation of their management of the SEB project. The Sheriff's report identified insufficient staffing, training, communication and project management problems as the reasons for the deficiencies, and included corrective action to ensure compliance with County and Board policy.

Review of Report

We discussed our report with Sheriff, CEO and DPW management who indicated general agreement with our findings and recommendations. Sheriff management also indicated that many of the issues noted in our review were due to the Department's efforts to expedite the relocation of SEB to meet the construction schedule of the East Los Angeles Civic Center relocation project. The Sheriff also is working with the CEO to implement their corrective action plan to address project management issues noted in the Sheriff's internal review.

The CEO's response to our report (Attachment 3) indicates agreement with the results of our review, and that the CEO will submit a revised Capital Project Development Process to your Board in September 2007.

Please call if you have any questions, or your staff may contact Jim Schneiderman at 626-293-1101.

JTM:MMO:JLS

Attachments

c: William T Fujioka, Chief Executive Officer
Leroy Baca, Sheriff
Donald L. Wolfe, Director, Department of Public Works
Raymond G. Fortner, Jr., County Counsel
Sachi A. Hamai, Executive Officer
Public Information Office
Audit Committee

**SHERIFF'S DEPARTMENT
SPECIAL ENFORCEMENT BUREAU FACILITY REPLACEMENT PROJECT REVIEW**

BACKGROUND

The Sheriff's Department's (Sheriff or Department) Special Enforcement Bureau (SEB) is responsible for solving potentially dangerous situations through experience, training and the use of specialized tools and equipment. SEB includes the Sheriff's Special Enforcement Detail, Canine Services Detail and Emergency Services Detail.

In December 1999, the Board allocated \$10 million in the Capital Project Budget to relocate the SEB. The following is a general timeline for the project.

- 2000 – The Sheriff assessed SEB's needs and identified the Eugene C. Biscailuz Center (Biscailuz) as a possible replacement facility.
- 2001 – The Chief Executive Office (CEO), Sheriff and Department of Public Works (DPW) agreed that DPW would be responsible for managing the project.
- 2002 – DPW hired a consultant to evaluate SEB's needs, the Biscailuz site, and develop site and building options. Cost concerns required the Sheriff and DPW to evaluate several options and develop scaled down plans that could be completed within the project budget.
- 2003 – The Board approved the \$9.6 million estimated project budget. DPW contracted with consultants to revise the plans, oversee construction, and identify general environmental and geotechnical concerns with the project. The geotechnical consultant identified site issues with the revised scope, resulting in cost projections that exceeded the approved budget.
- 2004 – The Board approved the Sheriff and CEO's revised plan to relocate SEB in the existing Biscailuz buildings (Phase 1). The revised plan added a training facility that would be built in Phase 2 of the project. The Board also authorized the Sheriff to manage the project, instead of DPW, with CEO oversight.
- 2005 – The Sheriff awarded construction contracts and grading/site work commenced. The Sheriff also contracted with a consultant to perform comprehensive testing to determine the boundaries of the landfill next to the Biscailuz site. Various issues cause project delays, change orders and supplemental agreements. The Board approved an appropriation adjustment to transfer \$3 million in Sheriff operating budget savings and \$3 million from the County General Fund for the Phase 2 training facility.
- 2006 – Phase 1 was substantially completed and SEB relocated to the Biscailuz site. The Board also approved a transfer of an additional \$3 million in Sheriff operating budget savings to fund the Phase 2 training facility, for a total of \$9 million. At the CEO's request, DPW reviewed unpaid outstanding invoices for

Phase 1. DPW noted that the Sheriff had obtained some services without required agreements. DPW expressed concern about the Sheriff's project management.

- February 2007 – The Board approved the CEO's request to pay the \$1.9 million in retroactive contract payments and complete Phase 1 work by using \$6.5 million from the budgeted Phase 2 funding.

The CEO and DPW are managing the remainder of Phase 1 of the SEB project. The Sheriff and CEO are currently assessing whether to proceed with Phase 2 of the project and how the remaining Phase 2 funds should be spent.

PROJECT MANAGEMENT/OVERSIGHT

DPW appears to have managed the SEB project adequately from November 2001 to June 2004, when project management was transferred to the Sheriff. While there were some delays during this period, they did not appear to be the result of inadequate project management.

However, our review indicates that the Sheriff did not adequately manage the project and did not always comply with the County's contracting/purchasing policies. We also noted that the Sheriff could have reduced project delays and additional costs through more effective project management.

The CEO also could have improved its project oversight during the Sheriff's management of the project by ensuring the Sheriff sent the required monthly project status reports, and by providing the Board with quarterly progress reports as required by the County's Capital Projects Development Process (CPDP) policy.

In May 2007, the Sheriff completed their own internal investigation of their management of the SEB project. The Sheriff's report identified insufficient staffing, checks and balances, training, communication and project management problems as the reasons for the deficiencies and included corrective action to ensure compliance with County and Board policy.

Sheriff Project Management

Contracting Procedures

The Sheriff's Facilities Planning Bureau (FPB) managed the SEB project from June 2004 to February 2007. We noted that FPB authorized approximately \$1 million in payments for work that was done before the Sheriff obtained the required Internal Services Department (ISD)/Board approval, in addition to the \$1.9 million in retroactive contract payments approved by the Board in February 2007, Specifically:

- For seven change orders (CO)/supplemental agreements, the Sheriff exceeded their delegated authority by authorizing contractors to provide additional services totaling \$1 million before obtaining Board approval. For example, in May 2005, the Sheriff authorized a contractor to do additional demolition work totaling \$303,586, although the Sheriff's authority at the time was only \$150,000. In six cases, the Sheriff authorized the work without a signed agreement. In the other case, the Sheriff signed an agreement before it was approved by the Board. In addition, in all seven instances, the Sheriff did not disclose that services were already underway/completed when they submitted the CO/supplemental agreement to the Board for approval.
- The Department exceeded their \$5,000 delegated purchasing authority by authorizing a consultant to provide services, totaling approximately \$50,000, without an approved purchase order. The Sheriff subsequently requested and obtained a purchase order from ISD in May 2005, but did not disclose that the services had already been provided.

We also noted that for two COs, totaling \$383,320, the Sheriff authorized the contractor to begin work within their Board-delegated CO authority before they had a signed agreement with the contractor.

While Sheriff management accepts responsibility for the contracting/purchasing violations identified, the Department indicated that FPB staff were trying to expedite the project to meet the construction schedule for the East Los Angeles Civic Center relocation project and minimize construction delay costs. However, County policy requires departments to obtain ISD/Board approval for purchases exceeding their delegated authority and to obtain prior approval for increases to Board-approved contracts. In addition, departments should not allow contractors to provide services until they have signed agreements and should disclose all delegated authority contracting violations to the Board.

Recommendations

Sheriff management:

- 1. Obtain ISD/Board approval for purchases exceeding their delegated authority and Board approval for increases to Board-approved contracts.**
- 2. Ensure they have signed agreements before contractors begin work.**
- 3. Disclose all delegated authority contracting violations to the Board.**

Budgetary Procedures/Monitoring

The County's CPDP policy requires departments to track expenditures to ensure that projects are completed within the Board-approved budget. The policy also requires departments to submit periodic updates on project cost and completion schedules to the CEO.

The Sheriff's FPB did not adequately track expenditures or prepare sufficient periodic project budget reports for the CEO. As a result, the Sheriff could not monitor the project's progress compared to the project budget.

Despite the lack of budgetary documentation, FPB was aware that the estimated Phase 2 costs would exceed the Board-approved budget, but did not immediately notify the CEO or the Board. Specifically, in December 2005, FPB management estimated that completing some of the Phase 2 work with Sheriff facilities staff would cost approximately \$11 million. However, the Phase 2 budget was only \$6 million at that time. The Sheriff did not report this budgetary concern to the CEO or the Board until June 2006.

Because the Sheriff did not adequately prepare project budget reports, or provide the CEO with complete and timely project status and cost information, they limited the CEO's and Board's ability to evaluate the project or consider alternatives. As a result, when the costs to complete Phase 1 exceeded the budget, the Board had to transfer \$6.5 million from Phase 2 project funding to pay for Phase 1.

The Sheriff should ensure they prepare and maintain periodic project budget reports, provide the CEO with the required project status reports and notify the CEO and the Board when project budgets or scopes change significantly.

Recommendation

- 4. Sheriff management ensure they prepare and maintain periodic project budget reports, submit the required periodic budgetary reports, and notify the CEO and the Board when project budgets or scopes change significantly.**

Project Documentation

The CPDP policy requires departments to have a document control system to resolve project issues and provide an audit trail for possible future claims against the County. DPW indicated that documentation should include contracts, detailed change orders, notices authorizing contractors to proceed with work, daily logs tracking the work performed by contractors, invoices, etc.

We noted that the Sheriff's FPB did not maintain sufficient documentation identifying the work to be performed in the change orders and did not adequately track contractors'

work. The Department also could not document the portions of change orders that were unavoidable. DPW indicated this added difficulties in negotiating some of the settlement agreements with the construction contractors because the Sheriff did not maintain daily work logs. Sheriff management should ensure that the FPB maintains adequate documentation as required by the CPDP policy.

Recommendation

- 5. Sheriff management ensure that the FPB maintains adequate documentation as required by the County's Capital Project Development Process policy.**

CEO Oversight

At the Board's request, we also reviewed the CEO's role in the project and noted that the CEO could have provided better project oversight. The CPDP policy requires the CEO to manage capital project development, provide budgetary oversight and periodically report program, cost and schedule status, and issues to the Board. In addition, the Sheriff and CEO's 2004 Board letter indicated that the CEO would submit quarterly activity reports to the Board.

We noted that the CEO's Capital Projects Division (CPD) did not provide the quarterly activity reports to the Board between September 2004 and June 2006. While the CEO and Sheriff did meet to discuss project progress, CPD staff indicated that they continually asked the Sheriff for updated project documentation but rarely received sufficient information to provide a report to the Board. However, the CEO did not inform the Board of their concerns with the Sheriff's management of the project until September 2006.

To ensure appropriate project oversight, we believe the CEO should have followed up with Sheriff management to ensure they received the requested information. If additional follow-up was not successful, the CEO should have reported that the Sheriff had not provided the needed information to the Board more timely.

Recommendation

- 6. CEO Capital Projects Division management provide the Board with the required periodic cost and schedule updates and inform the Board when departments do not provide the necessary information.**

SEB PROJECT DELAYS AND DIFFICULTIES

Potentially Avoidable Costs/Delays

We reviewed the reasons for the major delays and cost increases for the Sheriff's SEB project. Based on our review and discussions with DPW, which has considerable experience and knowledge in managing County capital projects, we noted that the Sheriff could have managed the project better to reduce/minimize some of the project delays and additional costs. As discussed below, it appears that some of the avoidable costs and delays were due to the Sheriff not having the capital project staff and experience to effectively manage the SEB project. However, due to the number of variables and the documentation issues noted above, we were not able to quantify the specific additional costs and/or project delays resulting from the issues identified below.

Pre-Construction

The Board approved the initial funding for the SEB project in December 1999. Over the next two years, the Sheriff worked to identify SEB's needs, the project scope and a relocation site. However, DPW capital project staff indicated that this process is normally completed in six months for most projects. The CEO indicated that the delay was due to other Sheriff priorities. As a result of the delays, the CEO assigned the SEB project to DPW in 2001. Therefore, it appears the Sheriff could have reduced or minimized the pre-construction delay.

Comprehensive Environmental Study and SEB Storm Drain System

The Sheriff incurred additional project costs and the project was delayed because the Sheriff did not complete a comprehensive environmental study on the proposed site early in the project design and construction.

Several environmental studies performed before the Sheriff took over management of the project identified that former landfills were close to the proposed site. However, because the Sheriff did not have a definite project design at the time, the consultants only provided general site recommendations and mitigation measures.

The Sheriff's FPB contracted for design consultant services in June and November 2004, but they did not request a definitive environmental study of the site until March 2005. As a result, when the environmental study was completed, it identified site conditions that required the Sheriff to re-design the storm drainage system.

DPW indicated that, since the landfills were well-documented, the Sheriff should have had a more detailed environmental study performed before completing the project design and the start of construction. However, we could not identify the specific costs and time delays attributable to the delays in completing the comprehensive environmental study.

Additional Landfill Investigations and Measures

The Sheriff may have incurred some additional costs and project delays by starting work without the required Post Closure Land Use Plan (PCLUP) and Health and Safety (H&S) plan. As a result, in June 2005, a County Department of Health Services (DHS) inspector ordered work to stop until the Sheriff developed the required plans.

Sheriff management indicated that, based on their prior discussions with DHS, the Sheriff believed that they were in compliance with building and construction requirements for the project when they authorized demolition and grading activities. However, DHS indicated that, since construction work disturbed the cover of the landfill, the Sheriff needed to ensure monitoring of methane gas to prevent hazards or explosions. In addition, DPW required the Sheriff to develop an H&S plan to ensure that all grading work was safe and protected against methane gas intrusion.

Based on our review, some of the extra costs for the PCLUP, H&S plan and methane gas monitoring system would have been required even if the Sheriff had properly developed and received approval of these plans. However, the Sheriff may have been able to reduce some of the contractor's retention and administrative costs if the Sheriff's FPB had developed PCLUP and H&S plans before construction began. As noted earlier, we could not calculate the amount and/or time delays from these potentially avoidable costs.

Additional Fill Material

The Sheriff executed change orders totaling \$542,082 and incurred a 57-day delay due to construction activities required to crush, relocate and import certified fill material required by various agencies. Specifically, these agencies required the Sheriff to add fill material to increase the depth of the landfill cover and address required storm drain changes to minimize encountering subsurface trash. Sheriff management indicated that the Department was able to reduce these costs by over \$700,000 by working with DPW to import unused fill materials from another site.

Sheriff management indicated that importing additional fill would have been necessary, regardless of disturbing the landfill cover and completing a comprehensive environmental study. However, DPW management indicated that if the Sheriff had included the fill requirements in the original project scope, they could have potentially received a better price for these services.

Project Construction

The Sheriff executed change orders totaling \$409,000 and incurred a 31-day delay due to unavoidable, unforeseen pre-existing site conditions, such as demolishing undocumented concrete slabs, curbs, gutters, fence footings, a retaining wall and buried asphalt, pipes and concrete. Additional work was also required to accommodate a new entrance road/driveway, and excavation and concrete for an elevator pit.

DPW indicated that a portion of the change orders are additional work associated with underground conditions, and it is reasonable that the Sheriff did not anticipate this work and include these activities in the scope of work in the original construction contract. As a result, some of the change orders relating to underground conditions appear to be unavoidable.

Weather Conditions/Site Flooding

In February 2007, the Board approved a \$780,569 settlement with one of the SEB contractors for an 84-day weather/site flooding delay that might have been partially avoidable if the Sheriff had completed a comprehensive environmental study and the required PCLUP and H&S plans discussed earlier. For example, when construction was stopped by DHS until the required plans were completed, it delayed the project into the winter of 2005. Heavy rains and floods in the winter of 2005 and April 2006 required the construction contractor to perform the additional work, such as water pumping, mud removal, extended office overhead charges, and resulted in higher subcontractor and material costs.

Based on our review, it appears that if the Sheriff had appropriately completed a comprehensive study and obtained approved PCLUP and H&S plans timely, they could have potentially been able to avoid the work stoppage and had more of the work completed before the winter of 2005, or they may not have had to start demolition during the rainy season and exposed the landfill area. However, we could not quantify the portion of the potentially avoidable costs and/or time delays attributable to the weather conditions/site flooding.

Inflation

As noted earlier, some delays in the project were unavoidable and some may have been avoidable. All of the delays may have exposed the project to additional inflation that increased the cost of the project. We did not attempt to determine how much of the total increased project cost was due to inflation.

Unavoidable Costs/Delays

Budgetary Difficulties

In April 2002, DPW contracted with Nadel Architects to prepare an architectural program, feasibility study and site assessment analysis to be completed within 90 days. However, Nadel identified that, based on the Sheriff's future space needs for SEB, the \$10 million budget was not sufficient. Therefore, DPW and the Sheriff requested Nadel to prepare scaled-down plans, delaying the project until Nadel issued their final report in November 2002. However, it appears these delays were necessary to develop a workable design plan.

We also noted the project was delayed from August 2003 to June 2004, while DPW was overseeing the project, because site assessment and geotechnical reports identified landfill site constraints which required project revisions. However, because these constraints were previously unknown, it appears that the delays were unavoidable.

CONTRACTOR ROLES

As directed by the Board, we reviewed the roles of the three consultants who provided recommendations on project environmental concerns. In general, the environmental consultants performed geotechnical investigations of the site (e.g., soil borings and gas probe testing, review of groundwater conditions, etc.), developed methane mitigation measures/system, prepared a H&S plan and required environmental documentation, and provided environmental support services. Based on the environmental concerns/issues identified, several consultant reports included recommendations for grading, foundations and methane mitigation measures. Based on our review, the tasks assigned to the three environmental consultants appeared reasonable and necessary to relocate SEB to the Biscailuz Center. DPW agrees with this assessment.

We also reviewed the roles of the two design consultants and the construction contractor. The design consultants generally provided architectural/engineering services for the project, including designs for the proposed building, landscaping and storm drainage system. The construction contractor provided grading and site work such as demolition, excavation, importing and compacting fill materials, concrete paving, installation of the storm drainage system, etc.

Details of the consultant and construction agreements and their scope of work are identified in Attachment 2.

SEB Replacement Project Review
List of Major Consulting and Construction Contracts

VENDOR	AGREEMENT	CONTRACT AMT	DESCRIPTION OF WORK
Environmental Consultants			
David Evans & Associates	Board Contract	\$ 30,000	Prepare the environmental documentation (Mitigated Negative Declaration) for the project as required by the California Environmental Quality Act.
	Base Contract	\$ 58,265	Environmental site assessment and geotechnical/environmental investigation.
	Supp. Agrmt. #1	\$ 83,500	Additional geotechnical analysis, material testing and inspection services.
MACTEC Engineering	Supp. Agrmt. #2	\$ 67,401	Investigational soil boring services.
	ISD Purchase Order	\$ 50,000	Health and safety plan and design a methane monitoring system.
	Base Contract	\$ 70,000	Environmental support, regulatory liaison, methane mitigation system design/installation, and other services.
SCS Engineers	Supp. Agrmt. #1	\$ 75,000	
	Supp. Agrmt. #2	\$ 46,510	
Design Consultants			
Nadel Architects	Board Contract	\$ 124,850	Provide architectural services, including examining the Biscailuz Center's existing buildings for re-usability and developing plans for building and site utilization.
	Initial Contract	\$ 30,000	Revise architectural plans.
	Base Contract	\$ 561,917	Architectural/Engineering (A/E) services, including an analysis for all the existing buildings and site infrastructure, civil/seismic engineering work, and construction administrative services.
Kajima Architects Inc.	Supp. Agrmt. #1	\$ 183,000	Redesign grading and storm drain design and other A/E services.
	Supp. Agrmt. #2	\$ 74,000	Additional design services, including the design for a two-story classroom building, memorial fountain and vehicle cover for Phase 2 of the project.
	Supp. Agrmt. #3	\$ 216,000	
	Supp. Agrmt. #4	\$ 412,000	
Construction Contractor			
Simgel Company Inc.	Base Contract	\$ 2,892,720	Grading and site work.
	Change Order #1	\$ 36,264	Removal of the retaining walls and monument stairs at the memorial area.
	Change Order #2	\$ 303,586	Demolish and crush undocumented concrete structures and remove buried materials.
	Change Order #3	\$ 168,367	Additional demolition and excavation. In addition, relocating, spreading and compacting fill dirt.
	Change Order #4	\$ 196,282	Grading and site work mandated by various jurisdictional agencies to increase the depth of the landfill cover by adding fill dirt to the project site.
	Change Order #5	\$ 95,373	Additional site work due to design revisions and flooding.
	Change Order #6	\$ 187,038	
	Change Order #7	\$ 269,530	
	Change Order #8	\$ 324,901	
	Delay Settlement	\$ 882,798	Rain water removal, increased material prices and other costs.



County of Los Angeles
CHIEF EXECUTIVE OFFICE

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Fifth District

August 1, 2007

To: J. Tyler McCauley
Auditor-Controller

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

**SHERIFF'S SPECIAL ENFORCEMENT BUREAU PROJECT AUDIT: COMMENTS
ON PROJECT AUDIT REPORT**

Thank you for the opportunity to review your audit report regarding the Sheriff's Special Enforcement Bureau. We concur with your finding that sufficient oversight of the Sheriff was not exerted by our office and support your recommendation that my office inform the Board of Supervisors when departments do not provide necessary project information. In further response to your audit recommendations, we are preparing an amendment to the Board-approved Capital Project Development Process that will:

- clarify the transfer of project management responsibilities from all departments, including the Sheriff, to the Department of Public Works (DPW) to ensure consistency in project monitoring, contract management, and reporting;
- clarify the roles and responsibilities of the Chief Executive Office (CEO), DPW, and departments under the Capital Project Development Process given the recent changes in the County's administrative structure; and
- provide for the development of performance measures for project management activities, such as contract management, change order management, budgetary development and management, schedule management, and project status reporting. These measures will be included in the FY08-09 Proposed Budget in a Summary level and detailed measures provided to the CEO for purposes of monitoring affected departments on a semi-annual basis.

Oversight Structure

The intent of the recommended clarifications and changes to the Capital Project Development Process is to further streamline the process, formalize monitoring procedures, and enhance the level of accountability and overall transparency of the

J. Tyler McCauley
August 1, 2007
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County's project management activities. We plan to present the recommended amendment to the Capital Project Development Process to the Board for approval in September 2007.

Again, thank you for the opportunity to comment on your findings and recommendations. Should you have any questions regarding our response, please contact me, or Jan Takata of my staff at (213) 974-1360.

WTF:DL
JSE:DJT:zu

c: Department of Public Works
Sheriff